



Docket No.: RGV-006CPCPA  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Fisher, et al.

Application No.: 09/293670

Group Art Unit: 1639

Filed: April 16, 1999

Examiner: T. Wessendorf

For: MULTIPARAMETER FACS ASSAYS TO  
DETECT ALTERATIONS IN CELLULAR  
PARAMETERS AND TO SCREEN SMALL  
MOLEUCLE LIBRARIES

**MS AF**  
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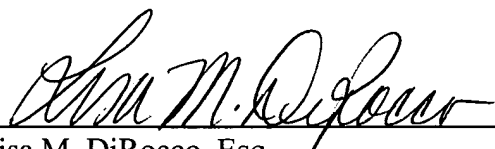
**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Receipt No. EL 982742063 US in an envelope addressed to: MS AF, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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By:

  
Lisa M. DiRocco, Esq.  
Registration No. 51, 619  
Attorney for Applicants

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

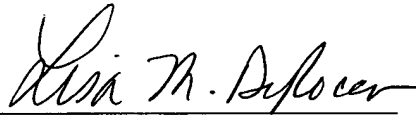
Applicants and their Attorney are aware of the following additional publications, listed on the attached PTO Form SB-08, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. A copy of the

cited publications are enclosed. A translation of reference 12 is also enclosed. Reference 12 was first cited in a communication from a foreign patent office in a related application not more than three months prior to the filing date of the instant Supplemental Information Disclosure Statement.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicants understand that the Examiner will make an independent evaluation of the cited publications.

In accordance with 37 CFR §1.97(c)(2) and §1.17(p), please charge the \$180.00 submission fee to our Deposit Order Account No. 12-0080. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 12-0080.

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP



Lisa M. DiRocco, Esq.  
Registration No. 51,619  
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Date: June 28, 2004

DFS/MEW/LMD  
Enclosures



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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|---|---|----|---|--------------------------|----------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                |
|   |   |    |   | Application Number       | 09/293670      |
|   |   |    |   | Filing Date              | April 16, 1999 |
|   |   |    |   | First Named Inventor     | Fisher, Joseph |
|   |   |    |   | Art Unit                 | 1639           |
|   |   |    |   | Examiner Name            | T. Wessendorf  |
| Sheet   | 1 | of | 1 | Attorney Docket Number   | RGV-006CPCPA   |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |   |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       |                          |  |                                |  |   |
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| FOREIGN PATENT DOCUMENTS |                          |   |                                   |  |  |                |
|--------------------------|--------------------------|---|-----------------------------------|--|--|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |  |                |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |  |
|---------------------------------|-----------------------|---|----------------|--|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |  |
|                                 | 11                    | Ryan <i>et al.</i> "Improved detection of rare CALLA-positive cells in peripheral blood using multiparameter flow cytometry." <i>J. Immunol. Meth.</i> 1984;74:115-128.   |                |  |
|                                 | 12                    | Jia-ping <i>et al.</i> "Multi-parameter sorting technique in flow cytometry" <i>Chinese Journal of Physical Medicine</i> (Vol. 17(3), September 1995, p. 168-171.   | ✓              |  |
|                                 |                       |   |                |  |
| Examiner Signature              |                       | Date Considered   |                |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.